

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

ACCENT DELIGHT INTERNATIONAL
LTD. and XITRANS FINANCE LTD.,

Plaintiffs,

-against-

SOTHEBY'S and SOTHEBY'S, INC.,

Defendants.

18-CV-9011 (JMF)

ORDER OF CLARIFICATION

JESSE M. FURMAN, United States District Judge:

WHEREAS, on January 3, 2020, this Court signed a letter of request for international judicial assistance from the appropriate judicial authority in Switzerland to obtain evidence from Jean-Marc Peretti for use in this action pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (the “Peretti Letter of Request”), *see* ECF No. 138;

WHEREAS, on June 5, 2020, the Tribunal de Première Instance de Genève (the “Tribunal”) issued an order giving effect to the Peretti Letter of Request, *see* ECF No. 236;

WHEREAS, on January 25, 2021, the Tribunal issued an order explaining that Mr. Peretti claims that he is unable to comply with the Tribunal’s prior order to produce certain documents because those document have been seized by the Geneva Public Prosecutor’s Office and that he is unable to appear as a witness because he is a person at risk in the current COVID-19 health crisis, *see* ECF No. 236-1, at 3; and

WHEREAS, in its January 25, 2021 order, the Tribunal “[i]nvite[d]” this Court to “indicate . . . what action it intends to pursue” in light of this development, *see id.* at 4;

NOW, THEREFORE, this Court renews its initial request that Defendants be allowed to obtain the relevant evidence from Mr. Peretti and respectfully requests that the Tribunal take the following steps if the Tribunal determines that these steps are appropriate under Swiss law:

(1) proceed with enforcing the Peretti Letter of Request;

(2) order Mr. Peretti to produce the documents sought in the Peretti Letter of Request, including, if necessary, by requesting that the Geneva Public Prosecutor's Office provide Mr. Peretti with copies of the documents and data formerly in his possession that were seized by that Office;

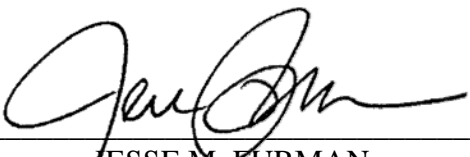
(3) make a request to the Geneva Public Prosecutor's Office that the Office produce copies of the documents and data it seized from Mr. Peretti pursuant to an international criminal mutual assistance request from Monaco authorities in connection with criminal proceedings initiated in Monaco by Plaintiffs Accent Delight International Ltd. and Xitrans Finance Ltd. (JI File n° CABI/15/04 - PG File n° 2015/000039); and

(4) order Mr. Peretti to provide testimony under oath at a hearing via videoconference, to be transcribed by a qualified stenographer who will also create a videographic record that will be usable by the parties to this action.

The Court expresses its appreciation for the assistance and courtesy of the Tribunal in this matter.

SO ORDERED.

Dated: March 3, 2021
New York, New York



JESSE M. FURMAN
UNITED STATES DISTRICT JUDGE